## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:05cv56-H

YESTERDAY'S TREE, INC.,	)
Plaintiff,	)
Vs.	ORDER
NATIONAL GRANGE MUTUAL INSURANCE COMPANY,	) ) )
Defendants.	)

THIS MATTER is before the court on the joint Response of Counsel to Court's Order (#17). In that response, the parties result a conference before entry of the scheduling Order. Plaintiff is reminded that it is obliged under the previous Order to file a Motion to Vacate an Award and state therein the specific basis for such motion. While it appears that the parties do not believe the *Revised Uniform Arbitration Act* is applicable to this proceeding (thus eliminating the time requirements) this court would be inclined to use the *Revised Uniform Arbitration Act* for procedural guidance. To that end, while the 90 day period may not be applicable, it would appear that a motion rather than the objection would be necessary to be filed, which would also conform to federal practice inasmuch as there is no way to track an objection. Plaintiff is instructed to file its Motion to Vacate an Award and state therein the specific basis for such motion not later than August 18, 2006.

## **ORDER**

IT IS, THEREFORE, ORDERED that the request for hearing, contained in the Response of Counsel to Court's Order (#17) is ALLOWED, and this matter is set for a hearing on August 24, 2006, at 10 a.m. in Asheville in Courtroom No. 2.

Signed: August 7, 2006

Dennis L. Howell United States Magistrate Judge